GOVERNMENT BUSINESS.

[The House adjourned for lunch at 3 P.M. and re-assembled at 3-30 P.M. and the next item of business taken up was Government business and copies of the following statement had been circulated to the members of the Assembly :—]

STATEMENT OF THE GENERAL PRINCIPLES OF LEGISLATIVE MEASURES OF WHICH THE OPINION OF THE REPRESENTATIVE ASSEMBLY IS REQUIRED.

(i) Amendment of the Press Law.

A tentative draft Bill for the amendment of the Press Law in Mysore was placed before the Assembly at the Dasara Session of 1922 for an expression of its opinion. The main features of the draft Bill were (1) that the provision now existing in the Newspapers Regulation III of 1908 requiring previous permission of Government to edit, print or publish a paper was to be dispensed with, (2) that the nature of the matter, the publication of which would render the paper liable to suspension was categorically defined, (3) that action was to be taken against a newspaper only after judicial enquiry, and (4) that any order passed after such enquiry was subject to appeal to the Chief Court.

The general sense of the Assembly was not in favour of the Bill, and, as suggested by some of the members during the course of discussion, the Government appointed a Special Committee presided over by the First Member of Council with the undermentioned gentlemen as members:—

Mr. C. S. Balasundram Iyer, B.A.
„ K. Matthan, B.A.
„ K. Sankaranarayana Rao, M.A., B.L.
„ B. Narasinga Rao.
„ S. Venkatesiah, B.A., B.L.
„ Abdul Rahmon, B.A.
„ G. Paramasiviah, B.A., LL.B.
„ M. Subbiah, B.A., (On his death his place was taken by Rao Sahib Mr. H. Chennaiya.)

The Committee have submitted a unanimous report together with two draft Bills which they recommend for adoption.

The first of these is for the amendment of the Press and Registration of Books Act, XXV of 1867, as introduced in Mysore by the Government of India Notification No. 176, dated the 12th September 1867 and amended by Regulation I of 1824. The amendments proposed are the same as those recently adopted in British India by Act XIV of 1922. The principles of the amending Regulation are that the editor of every newspaper, like the printer and publisher, is required to make a declaration before a Magistrate that he is the editor. Punishments prescribed under the Act are considerably reduced. The name of the editor should appear in every issue of the paper, and any person whose name wrongly appears as editor is given an opportunity to get the mistake rectified.

The second Bill proposed by the Committee is intended to replace the existing Newspapers Regulation. Its main provisions are—(1) that the previous permission of Government to edit, print or publish newspapers will not be required, (2) that Government may prohibit the publication of a newspaper in cases where the editor, printer or publisher is convicted of the offence of sedition or of promoting enmity between classes under Section 154A or 153A of the Indian Penal Code, (3) that Government will have the same power to prohibit the publication of a newspaper if it habitually publishes matter punishable under the above two sections or under Section 500 of the Indian Penal Code relating to defamation, (4) that in such cases, an appeal against the order of Government will lie to a Special Bench of the Chief Court and (5) provisions have also been inserted, as in the British Indian Act XIV of 1922, for the confiscation of printed matter which is seditious.

The opinion of the Assembly as to the general principles of the above two Bills is invited.

(ii) Amendment of Section 75 of the Indian Penal Code.

Under the Penal Code as in force in Mysore, previous convictions in British India or other territory where the Indian Penal Code is in force cannot be taken into account for the purpose of awarding an enhanced sentence under Section 75. It is anomalous that a man who has

been convicted over and over again in British India and who would have been liable to enhanced punishment for a subsequent offence of the same kind had he committed it in British India, should have a lighter punishment for the offence committed in the Mysore State. This gives encouragement to old offenders in British India to commit offences in the Mysore State. It is accordingly proposed to amend Section 75 of the I. P. C. as in force in Mysore, so as to enable previous convictions in British India or elsewhere, treated as convictions for the purpose of the said Section.

(iii) Amendment of the Code of Civil Procedure, 1911.

Bonus payable under a policy of an officer who has insured his life in the Mysore State Life Insurance is exempted from attachment under Section 60, clause (p) of the Code of Civil Procedure, as at present worded. There is now a "Public Branch" of the Insurance, as distinct from the "Official Branch," which allows the general public to participate in the advantages of the State Life Insurance. An officer who has insured his life in the optional public branch also enjoys the privilege of exemption from attachment. It is not desirable that this privilege should extend to the public branch also. The non-officials have no such privilege and the distinction in this respect between an official and a non-official is quite unnecessary. It is proposed to do away with this distinction by so amending the Civil Procedure Code as to restrict the exemption to insurance in the Official Branch only.

(iv) The Mysore Leper Bill.

The question of introducing legislation for the registration, segregation and medical treatment of certain classes of lepers and the control of lepers following certain callings, was under consideration for some time past and in 1921 a Bill was prepared and introduced into the Legislative Council. The Bill did not reach its final stages and get passed before expiry of the term of the old Legislative Council and has therefore to be re-introduced into the new Legislative Council. Under the revised constitution, the views of the Assembly on the proposed measure have to be ascertained.

The Bill is based on the British Indian Act III of 1898 and aims both at the amelioration of lepers who

cannot afford to look after themselves or have no friends or relatives who can do so, and the prevention of the spread of infection, through segregation, medical treatment and prohibition of certain callings with regard to lepers. It is intended to depart from the British Indian Act in two important respects, *viz*; (1) registration of all lepers, whether they be pauper lepers or not; and (2) compulsory segregation of such of the lepers as are unable to take care of themselves or are not taken care of by friends or relatives. The importance of registration of lepers is obvious as without it, efficient control cannot be exercised. Compulsory segregation of pauper lepers and lepers who cannot be taken care of will be provided for with a view to prevent the spread of the infection. Leper asylums will be maintained and recognised for the purpose, Certain callings such as preparation or sale by a leper of articles of food or drink, driving of a conveyance, etc., involve risk of infection. Bathing and washing clothes by lepers entail a similar risk. Such actions on their part will be prohibited. Proper safeguards will however be provided to prevent harassment of innocent persons. There will first be a preliminary examination by the Inspector of Lepers who will be a qualified medical man and then a formal enquiry by the District Magistrate or a Magistrate of the First Class or other magistrate specially authorised by Government before a leper can be ordered for detention in an asylum. Even then, if the magistrate is satisfied that the leper will be properly taken care of by a friend or relative, he may make over the leper to the care of such friend or relative.

Infringements of orders thus passed will be punishable with fine. Orders of magistrates in these cases will be appealable.

Provision will be made for the constitution of a Board of not less than 3 persons, one of whom at least shall be a medical officer, for every leper asylum, for the inspection of the asylums and the patients admitted. Any two members of the Board or the District Magistrate may direct the discharge of a leper.

(v) The Ancient Monuments Preservation Bill.

With a view to ensure the better preservation of ancient monuments of archæological, historical or artistic

interest in the State, a Committee was appointed in 1917 to consider and report on the measures necessary in this behalf. The Committee recommended the desirability of enacting a law on the lines of the Ancient Monuments Preservation Act of 1904 of British India. A Bill was accordingly prepared and introduced into the Legislative Council in 1922. But before the Select Committee, to which the Bill was referred, could meet, the term of the Legislative Council expired. The Bill has therefore to be re-introduced into the new Legislative Council and under the new constitution this statement of the general principles of the Bill is placed before the Representative Assembly to ascertain its views on the Bill.

Any ancient monument can be declared a protected monument by a notification, and the Government can acquire rights in or guardianship over an ancient monument under certain circumstances and enter into an agreement with the owner for its proper preservation. Purchasers at certain sales and persons claiming through the owner are bound by such agreements. The terms may be altered from time to time, and the agreement may be terminated also after notice on either side. The agreements may provide among other matters for the preservation of a monument, its maintenance and custody, and the facilities of access to be permitted to the public. Any protected monument in danger of destruction, injury or falling into decay may be compulsorily acquired under the Land Acquisition Regulation.

It is also proposed to prohibit traffic in antiquities which may prove detrimental to the State and to take power to control the movement of sculptures, carvings, images, bas reliefs, inscriptions or other like objects and to restrict excavations in any prescribed area.

(vi) Amendment of the Factories Regulation, 1914.

The Indian Factories Act (Act XII of 1911) on which the Mysore Factories Regulation, 1914, is based has been considerably improved by the amending Acts II of 1922 and IX of 1923, embodying the provisoins of the draft conventions and recommendations of the International Labour Conference held at Washington in 1919. These provisions aim generally at improving the conditions of labour. It is considered desirable that these amendments

should be adopted here. The main features of the proposed amendments are :—

Under the present Regulation, any person under 14 years of age is considered a child, and no child under 9 years of age may be employed in any factory. With a view to further protection of children, it is proposed to raise these limits to 15 and 12, respectively. The daily hours of work for children are also reduced to six from seven, providing for intervals of rest. Provision has also been made for the revocation of certificates granted to children in cases where they become unfit after the issue of the certificate.

Under the existing Regulation, only those factories are included which use mechanical power and employ not less than 50 persons. Government have, however, power to include factories employing not less than 20 persons. Conditions have altered considerably and many small concerns using power-driven mechinery have sprung up. It is considered desirable that the Regulation should extend to these smaller concerns as well. It is therefore proposed to bring under the operation of the Regulation all factories using mechnical power and employing 20 persons or more, and to reserve power to extend the operation of the Regulation to factories employing 10 persons or using more than 3 H. P., irrespective of the number of persons employed.

The general exemption now granted to electrical generating and transforming stations and indigo, tea and coffee factories is proposed to be withdrawn as the workers in them require protection as much as any other class of industrial workers.

In the interests of health and safety of the workers, provision is made for the control of excessive humidification, securing fencing for live wires and electrical fittings and for removal of danger in the use of machinery.

Provision has also been made to protect women and children against lead poisoning in operations involving the use of lead compounds.

At present, rest of half an hour at intervals of 6 hours' work is provided for. This being inadequate for refreshment and rest, it is proposed to increase it to one hour, the hours of work and rest being so arranged that no adult shall work continuously for more than 5 hours and no child for more than 4 hours.

The hours of work in factories are limited to 60 hours a week and 11 hours a day, except in cases where the pressure of work, or the nature of the production necessitates working continuously or for a greater number of hours per day or week.

Penalties are enhanced from Rs. 200 to Rs. 500 and provision is made for the award of compensation for injuries out of the fine imposed.

(vii) Bill to amend the Mysore Inventions and Designs Regulation, 1894

The British Indian Act of 1888 on which the Mysore Inventions and Designs Regulation, 1894, was based, has been amended by Act II of 1911 and the question of amending the Mysore Regulation on similar lines has been under consideration for some time past.

The present Bill aims at a better encouragement of the inventor and the protection of the public than is afforded by the existing Regulation. It is important that the method of obtaining patent rights should be as simple as possible and the protection granted adequate. It is also necessary that protection is not given where it is not due and that the rights of other inventors and of the public are not infringed.

The existing Regulation is defective in these respects. A person seeking to take out a patent under the existing Regulation has first to apply to Government for leave to file a specification of his invention. The application must contain a description of the invention. On receipt of the application, the Government may after such enquiry as it thinks fit, authorise the filing of a specification. It has been the practice to consult experts before such authorisation is ordered. No objection can be taken by any member of the public to the acquirement of an exclusive privilege, once such leave has been given. But the exclusive privilege does not accrue until the date the specification has been filed.

In this procedure, there is considerable disadvantage in having to file two documents, the application and the specification. There is further no provisional protection between the date of the first application and of filing the final specification. From the point of view of the public, sufficient opportunity is not given for objecting to the grant of an exclusive privilege. Leave may be granted at

any time after receipt of the application and no member of the public can then bring forward any objection.

These defects are proposed to be remedied in the amending Bill. The method of obtaining a patent for an invention will under the Bill, consist of the following stages:—

(*a*) submission of the application and specification at the same time,

(*b*) acceptance of the application within 12 to 15 months after complete examination,

(*c*) publication of documents after such acceptance,

(*d*) interval of three months for submission of objections to the grant,

(*e*) grant of patent after objections, if any, have been disposed of.

The altered procedure will not only afford the inventor better protection than he at present enjoys, but secures to the public adequate opportunities for examining and objecting to the application.

The following further improvements proposed in the Bill may be mentioned :—

(*a*) Patents will not lapse on cessation of foreign patents and the bar existing at present for recognising only those applications that are made within one year after obtaining exclusive privilege outside Mysore, has been removed.

(*b*) Patents will be granted in a form more suitable for commercial purposes than the present certificates.

(*c*) Proprietorship of patents and designs will be more fully recorded.

(*d*) Amendment of applications and specifications will be facilitated and opposition thereto by the public will be permissible as in the case of original applications.

(*e*) Defendants in infringement suits will be allowed in all cases to use the natural ground of defence by pleading non-validity and non-novelty of the patent. Every ground available for revocation of a patent may be pleaded in a suit for infringement.

(*f*) Validity of patents will be certified in certain cases for purposes of costs in subsequent suits so that a a patentee will be protected against wilful infringers.

(*g*) Threats of legal proceedings for an alleged infringement will be actionable unless the patentee proceeds with due despatch to commence action in a court.

(*h*) Copyright in registered designs may be extended from 5 to 10 or 15 years.

(*i*) Finally, a Controller of Patents and Designs will be appointed with power to dispose of many matters which are at present referred to Government. The ultimate authority of Government and of the Court is at the same time provided for.

Provision has also been made for entering into reciprocal arrangement with other countries for the mutual protection of patents.

(viii) Amendment of the Mysore Muzrai Regulation, 1913.

The Mysore Muzrai Regulation, 1913, has been found in actual working to be inadequate for the purposes for which it was intended and some of its provisions are also not free from ambiguity. The Regulation is therefore proposed to be repealed and a new Bill introduced in its stead. The clauses have been reclassified in a more appropriate manner than in the present Regulation. The main features of the proposed Bill which mark a departure from the present Regulation are specified below.

1. In specifying the extent of the Regulation, power has been taken to exclude from the operation of the Regulation any specified institution or class of institutions.

2. Under the present Regulation, the Head of the Muzrai Department is not recognised as an authority. The Muzrai Commissioner is now proposed to be made a statutory authority on whom may be conferred such duties and powers as the Government may think fit. The Government is to be declared as the controlling authority.

3. The circumstances under which a public religious or charitable trust may be taken under the temporary management of Government will include cases of death or absence of the trustee for more than six months, insolvency of the manager or trustee or where he is otherwise declared unfit by a Court.

4. Power is proposed to be taken to transfer the management of any Muzrai Intitution to any local authority having jurisdiction, funds being placed at the disposal of the authority for the proper management of the institution.

5. Owing to certain difficulties arising from the present provision relating to alienations of inams granted

to Muzrai institutions for their upkeep, alienations of such inams are proposed to be declared void unless made under any general or special orders of Government. Alienations made prior to 1853 and within 50 years (computing the period of possession up to the 14th December 1867) may however be confirmed subject to the payment of jodi of one half of the assessment This is in fact a recognition of the Inam rules of 1877. A similar provision will be made in the case of inams granted by Government to mathas.

6. At present enquiries into allegations of mismanagement of mathas can be made only on the application of a certain number of disciples. It is proposed to provide that Government may order an enquiry on their own initiative whenever they have reason to believe that the property of the matha is being mismanaged.

7. Nomination to the office of a mathadhipathi will have to be approved by Government.

8. Power has been taken to frame rules to carry out the purposes of this Regulation.

(ix) Amendment of the Government Securities Regulation, 1894.

The Indian Securities Act, 1886, on which the Mysore Government Securities Regulation, 1894, is based has been amended by the Government of India Act X of 1920. The question of amending the Mysore Regulation on similar lines has been engaging the attention of Government for some time past and it is now proposed to introduce an amending and consolidating Bill.

By this Bill (1) certain matters of procedure such as renewal of securities, recognition of legal representatives, provision for indemnities, etc., for which the existing Regulation does not provide, but which are now adopted under orders of Government, will be placed on a statutory basis.

2. The present rigidity as regards notice of trust will be relaxed and greater facilities given to the public in the matter of securities held in trust. Satisfaction as to the appointment of an executor or administrator will be sufficient for recognition.

3. As regards renewal of promissory notes provision will be made for recognition of a member of a joint Hindu family as its manager on production of a certificate from a magistrate.

4. Better provision than exists at present will be made for settlement of disputed claims. The prescribed officer may hereafter himself enquire into the claim and may declare any party entitled to the renewed security and issue the same three months after such declaration, unless notice of proceedings in a proper court of law is received in the meanwhile.

5. Provision will be made for conversion, consolidation or sub-division of any security.

6. Summary procedure will be laid down to expeditiously meet claims in respect of small holdings standing in the names of deceased persons.

7. Power will be taken to prescribe the procedure to be followed in the case of securities of value up to Rs. 5,000 held by minors or lunatics, dispensing thereby with the usual and elaborate formalities that would ordinarily be required.

8. Provision will be made for the taking of indemnities where duplicates have to be issued or in cases where the claimant's title is doubtful or where the claim itself is disputed.

9. The books, registers, etc., of the public debt office will be of a confidential character, inspection being allowed only under circumstances and in the manner to be prescribed by rules.

10. False statements made in proceedings in respect of securities for obtaining payment or renewal will be penalised.

(x) Amendment of the Insolvency Regulation.

The Provincial Insolvency Act, 1907 of the Government of India on which the Mysore Insolvency Regulation, 1911 is based, has been amended and consolidated by the British India Act V of 1920. It is desirable that the Mysore Regulation is also amended on similar lines.

In the working of the existing Regulation, certain defects have been found. The main criticism against the existing measure is that it lends itself to the protection of fraudulent debtors, that it subjects an undischarged insolvent to little or no practical inconvenience and that its provisions for the punishment of fraudulent insolvents are not effective in practice.

It is proposed to remedy these defects by an amending bill. Opportunity has been taken to re-arrange the sections of the existing Regulation in a better sequence.

One of the principal defects in the existing law arises from the fact that the conduct of the debtor in many cases never comes under the scrutiny of the court. The stage at which the misconduct of the debtor should come before the court is when the insolvent applies for the discharge and there is nothing in the Regulation which requires him to apply for discharge. It is therefore proposed to include in the Regulation provisions which will compel an insolvent to apply to the court within a prescribed period for his discharge or to lose the protection afforded by insolvency proceedings.

It will hereafter be possible for the court to reject a petition of a debtor on the ground that he has no right to present the petition and the court will have discretion in each individual case as to the amount of protection to be afforded to a petitioning debtor.

There is no provision at present sufficiently defining the powers of courts to decide questions of law and fact arising in insolvency proceedings. There has been a conflict, for example, as to whether a court can or cannot decide questions involving title of the debtor to properties sought to be proceeded against. It is therefore proposed to confer a general power on the courts to decide all questions of law and fact arising in insolvency proceedings for the speedy realisation of assets in the interests of creditors.

Proceedings instituted against fraudulent insolvents are frequently infructuous. Penal provision will be made more effective by including within its scope wilful failure of the duties imposed by the Regulation on the debtors admitted to insolvency. It will be provided that a dishonest insolvent guilty of an offence under the Regulation can be proceeded against even after he had obtained his discharge or after a composition has been accepted.

It will not be possible hereafter to allow compositions before adjudication as the court will not have before it, the necessary facts to justify it in dealing with such compositions.

An interim receiver will normally be appointed when admitting the petition and he will then have all the

powers conferable on a receiver appointed under the Code of Civil Procedure.

The object of imprisonment being intended only to serve as a threat to those who, having assets would not pay, protection against arrest and detention would be afforded to an insolvent in respect of whom an order of adjudication has been made. Even in cases of debtors under arrest or imprisonment in execution of a decree of any court for the payment of money, their release may be ordered while admitting their petition of insolvency or at any subsequent time before adjudication.

Dewan.

According to the list given there are ten legislative enactments the principles of which have to be considered by this Assembly.

The general principles have been circulated to you according to the rules of discussion. It is to be noted that discussion will be confined to the general principles of the measures as given in the above statement. Opinion will be taken by votes on each enactment. It is not intended that the detailed bill should be placed before the house. What is required is that the Assembly has to be consulted in regard to the legislative measures proposed to be brought up before the Legislative Council, and this has been done in the form of a statement embodying such principles as are necessary to be placed before the Assembly. We shall now proceed to consider these principles.

Mr. H. Krishna Rao.

The most important bills are those relating to the Press Law and the Muzrai Regulation and it is impossible for the members to consider these important regulations without the provisions embodied in them being placed before them.

[The Dewan then asked whether the members were agreeable to take up the minor bills, postponing the consideration of the Press and Muzrai bills for the next day.

On the members agreeing to this proposal, the Government Securities Regulation was ordered to be taken up first and the Financial Secretary requested to explain to the Assembly the main principles thereof.]

The Government Securities Regulation.

The Financial Secretary in briefly explaining the principles, invited the attention of the members to the above statement, and stated that the Securities Regulation now in force was passed so long ago as 1894 when the number and importance of securities was inappreciable. In recent years after the floating of the several loans, the number of securities had considerably increased and several defects were noticed in the existing law and difficulties experienced in the free and easy negotiation of securities. The Government of India had amended their Act more than once. In 1921, they had passed a consolidating Act, which was proposed to be adopted now in Mysore, to remedy the defects in the law now in force and to provide further facilities.

The Financial Secretary dealt in particular with the following three important changes :—

(*a*) In the case of death of small holders, recognition of a certificate from a Magistrate for purposes of renewals, instead of the expensive and tedious formality of obtaining a Succession or Heirship Certificate, a probate or letters of administration.

(*b*) Providing for renewals in the name of the Manager of a joint Hindu family;

(*c*) Defining specifically and in detail the rule-making power which was somewhat doubtful and not exhaustive.

The members appreciated the measure in so far as it tended to avoid expense and delay incidental to proceedings in civil courts. The discussion, however, centred round three points, about which there was a divergence of opinion, *viz.*,

(*a*) Advisability of renewals in the name of the Manager of a Hindu joint family.

(*b*) Procedure to be adopted by Magistrate when granting certificates, and

(*c*) Necessity or otherwise of the limit of securities to Rs. 5,000 to dispense with the usual formalities.

Some members contended that a family contained minors and other dependants whose interests may not be safeguarded by the Manager, who may misappropriate securities, if renewed in his name. Several others on the contrary argued that such apprehensions which proved

correct only rarely or occasionally ought not to deter the passing of a measure which aimed at creating facilities and saving of expense. If necessary, security may be taken and there were other safeguards also.

The First Member and the Financial Secretary pointed it out that a Manager dealt with family properties apart from these securities, and if he could be trusted with the management of the other properties, there was no reason to exclude securities. What was proposed was in accordance with Hindu Law. It was better to give facilities to utilise securities for the immediate necessities of the very minors and others, rather than keep obstacles in the shape of expense and delay in their way.

As regards the procedure to be adopted by the Magistrate to grant certificates, it was proposed by some members that the procedure though summary, should be what is prescribed in the Code of Civil Procedure, to minimise chances of a hasty or an incorrect conclusion. *Per contra*, it was urged that this would mean fees to lawyers, expense and delay which it was the express object of the measure to avoid.

In relation to (*c*), it was proposed by some that the limit of Rs. 5,000 may be raised to Rs. 10,000 or Rs. 15,000 or even abolished altogether. Up to Rs 5,000 the proposed facilities were even now given. Others urged that the limit may not be raised, but when the amount was over Rs. 5,000, the party should go to court. They suggested, however, that the court fees to be levied in such cases may be reduced.

The Financial Secretary pointed out that though up to Rs. 5,000 certain facilities were now given, they were not supported by a statutory authority. The First Member added that only the poor holders of small amounts needed concessions and that those holding securities over Rs. 5,000 in value could afford to go to court, and stand the delay.

The principles of the Measure were approved unanimously.

Ancient Monuments Bill.

The next measure taken up for discussion related to Ancient Monuments Bill:—

The Second Member of Council briefly explained the scope of the measure which he said was based on the

British Indian Act of 1904, for the preservation of structures and other objects which had a historical, artistic or archæological importance or interest. He referred to certain famous temples and birth places of eminent men and deplored that they were getting into ruins. He added that the proposed legislation had been introduced in the Legislative Council whose term expired before the Bill could reach its final stages and that under the reformed constitution the measure was placed before the Assembly.

Some of the members wanted to know what monuments were intended to be preserved, whether any age limit would be prescribed to bring a monument under the category of "ancient monuments" and if there was any existing law in Mysore on these matters.

The Second Member explained that there was no law relating to monuments in force in Mysore, that time was of no consideration as importance of a monument was the chief consideration, that the word "Ancient" will be defined and that the modes of preservation, etc., were mentioned in the Statement.

The principles were approved unanimously.

Factories Regulation.

The next measure to be considered was the Factories Regulation.

The Second Member of Council informed the members that there existed in Mysore already a Factories Regulation enacted in 1914, based on the Indian Factories Act of 1911. In 1920, the Government of India adopted the suggestions of the Labour Conference and amended their Act. Similar amendments are now proposed to be adopted in Mysore, as they aim at the amelioration of the workers and protection of the females and children employed in the factories. The existing law provides that no child under 9 years can be employed in factories, and up to 14 years he is considered a 'child' for purposes of the Regulation. These limits are now proposed to be raised to 12 and 15 years, respectively in British India.

At this stage, some members wanted to know whether cooly work in coffee gardens and agricultural labour fell within the purview of the Regulation. The Second Member

of Council read the definition of 'factories' and stated Agricultural holdings and coffee gardens were no factories. It was suggested by some members that machinery was used even there and boys employed in bone-crushing for manure and other coffee works in which case in their opinion the Regulation should apply..

The discussion centred mainly on the age-limits proposed in the case of children. According to some members the raising of the minimum from 9 to 12 was a great hardship in asmuch as it was almost a necessity on the part of the poor families to send their children to work and thus earn something towards their living. The proposed legislation would lead many families to starvation. Children were not given either hard or dangerous work, even when employed in factories, and they were not over worked. Doctors certified to their fitness. Hence it was urged that there was no necessity to raise the age limit from 9 to 12. Per contra, it was urged that in many cases the elders preyed upon the children sending them out to work when they remained idle, that children of tender ages were really ignorant of any danger ahead and often got into trouble owing to their indiscretion. Age limit of 9 years interfered with their education which under the Compulsory Education Scheme was an offence. It also came in the way of their becoming efficient citizens in later life. For these reasons, the raising of the age limit was supported.

Certain members proposed a compromise. They agreed to the raising of the limit, but proposed 10 years instead of 12. It was pointed out that this meant an amendment which can only be considered by a different body in the Legislative Council.

The principles as embodied in the statement were approved unanimously.

Inventions and Designs Regulation.

The Second Member of Council stated that the existing Regulation was very old and based on the old Act in British India which had been amended. It was proposed to adopt the same amendment and thus provide increased facilities to inventors and at the same time protect the interests of the public at large. The measure was not of much interest to the generality of people in Mysore.

Most of the members thought the measure was intended to encourage inventors and create an inventive turn of mind and should be approved.

The Assembly approved of the general principles contained in the statement.

[The Assembly adjourned and re-assembled on the 10th instant at 12 noon.]

SECOND DAY—*10th June 1924.*

Amendment of Section 75 of the Indian Penal Code.

The First Member of Council briefly explained the necessity for the amendment which he said was simple. Under Section 75 of the Penal Code as in force in Mysore, enhanced punishment can be given in certain cases. But the convictions contemplated in Section 75 are only those obtained in Mysore Courts. Convictions obtained elsewhere, cannot, strictly speaking, be proved in Mysore for purposes of enhanced punishment. It is anomalous that a person convicted over and over again in British India, should be treated as a first offender if he crossed the border and carried on his depradations in Mysore. The proposed measure is to remedy this defect.

Some members of the Assembly wanted to know whether the offences contemplated related to coinage and property and were assured that only offences falling under Chapters XII and XVII were contemplated. They considered the measure a salutary one and were in favour of it.

One member, however, opposed the measure. He said that the effect of a legislation of this kind was to keep offenders in the jail for longer periods, entailing a larger expenditure which will be a burden on the general tax-payer. He wanted to know whether there was a similar provision in British India for awarding enhanced punishment to a person who was previously convicted in Mysore Courts.

The First Member of Council explained that the reasons advanced by the member in question would lead to an abolition of all jails, as it will involve expenditure. Whether any similar provision existed in British India or not was beside the point. All that concerned Mysore was the desirability or otherwise of an amendment like the one proposed.

The measure was then put to vote and carried.

Amendment of the Code of Civil Procedure.

The First Member of Council invited the attention of the members to the statement placed before them,

and stated that there were two kinds of insurance, *viz.*, (1) compulsory as in the official branch and (2) optional as in the public branch. When the Code of Civil Procedure was enacted, there was only the former kind of insurance, and under Section 60 of the Code the bonus payable was exempt from attachment. As the wording stands, bonus payable under the public branch also enjoys the same privilege. Compulsory insurance is meant as a provision for dependants, and as such is to be protected. Optional insurance does not stand on the same footing. It is only Government officers who insure in that branch that enjoy the privilege, while the public have no such advantage. This distinction is sought to be removed. In British India also, it is only compulsory insurance that is so protected.

Information was asked whether the measure would have retrospective effect and it was stated that it would be so.

The discussion was directed, not so much towards the measure as proposed, but more towards an amendment of it; and in fact for a replacing of the proposed measure by another providing for exemption up to a certain limit to non-officials also in the Public Branch. It was suggested that up to a certain limit, say Rs. 5,000, exemption may also be accorded in the case of the non-officials also. Provision for family and dependants was as necessary in the case of non-officials as in the case of officials. Such a provision should enjoy exemption from attachment.

Several members were against such a provision. They urged that the measure before the Assembly was different, and the proposition now urged was not an amendment, but quite a new proposition which was in effect quite opposed to the one brought up for discussion.

They were opposed to the proposition on the ground that it lead to fraud on creditors. People might borrow and insure to the prejudice of their creditors and transactions would be hampered.

The Financial Secretary explained at this stage that the point had been discussed in the Insurance Committee. Exemption had certain advantages no doubt, but the disadvantages were greater. No loans could be raised on the security of a policy of insurance, if the amount was exempted from attachment. The policy could not be pledged and no assignment could be made.

Another ticklish question that was raised was the remedy in case of nominations under a policy, and the rights of creditors in such cases. The matter was dropped as it pertained more to the Courts to decide the disputed claims.

The Dewan remarked that opinion of the Assembly on the measure placed before them was required. The other proposition to extend the privilege and exemption to non-officials was altogether a new proposition which might be brought up separately either in the Representative Assembly or in the Legislative Council.

The measure as placed before the Assembly was then put to the vote and carried unanimously.

The proposition to extend the privilege to non-officials also up to a certain limit was then put to the vote and lost, 52 voting for and 62 against.

Leper Bill.

The First Member of Council referred to the statement placed before the members and remarked that the proposed legislation followed the law prevailing in British India except in the two following instances: –

(*a*) Registration of all lepers:—

(*b*) Sending lepers to the asylum, even if they were pauper lepers, in case, neither friends nor relatives came forward to take care of them, for which provision was proposed to be made though it was wanting in British India. Necessary safeguards for inspection and enquiry before a Magistrate prior to their being sent to the asylum would be provided for, and appeals allowed. The Bill had been introduced before in the Legislative Council, but as it lapsed when the old Council was dissolved, it was necessary to reintroduce the same.

All the members agreed as to the necessity for such a measure which was overdue. They said that the disease was a dreadful one, and all religions had enjoined segregation in such cases to avoid spread of infection.

One member, however, was of opinion that the existing Leper Asylum was not up-to-date and could accommodate only a few people. Until Government could afford means to start a leper colony with spacious buildings and proper conveniences, legislation was premature. Ward boys in charge of lepers had not been infected, and as

such there was no great danger of spread of infection. The member preferred a postponement of the proposed legislation.

The measure was put to the vote and carried.

Amendment of the Insolvency Regulation.

In explaining briefly the scope of the measure the First Member of Council said that our existing Regulation was based on the Provincial Insolvency Act of 1907, which had recently been replaced by another Act, remedying certain defects. It was proposed to amend our Regulation on the same lines, as the defects in the existing law had been brought to notice in the Representative Assembly and an amendment had been asked for. Some of the main features were that the question of title to property could be enquired into now, and a limit of time was prescribed for applying for discharge. Other charges were indicated in the statement. As there were no controversial points, the Member hoped that the House would agree to the proposed legislation.

The point that chiefly attracted criticism was that no composition would be allowed before adjudication. Several members considered that a composition must be allowed before adjudication. If a compromise was arrived at, before adjudication, there was no reason why it should not be recognised, and the application dismissed. Another objection was that very large powers were proposed to be given to courts to reject applications summarily. The period prescribed for an application for discharge was considered short, and it was suggested that such an application should give full reasons entitling the party to a discharge.

The First Member of Council explained that the court should have full facts for accepting a compromise and this would not be always possible before adjudication. The application might itself be fraudulent. He pointed out the distinction between a compromise and a composition, and said that the former was always open to the parties, and the application might be withdrawn. An application for discharge would of course contain the grounds on which a discharge was asked for.

The measure was put to the vote and carried unanimously.

Amendment of the Muzrai Regulation.

The Second Member of Council went briefly into the history of the Muzrai Institutions, the existing Muzrai Regulation, the need for its amendment and explained in detail the several points mentioned in the statement placed before the assembly :—

Apart from the discussion of the several items in the statement there was general discussion of the necessity or otherwise and the merits and demerits of the measure as a whole. One Section of the House was opposed to any kind of amendment. They considered that a measure like the one proposed, affected the religious susceptibilities of the people and as such was outside the scope of Government interference. They wanted the bill itself to be placed before them, and feared that an acceptance of the measure on the strength of the statement might land them in difficulties in future. It was argued that the institutions were established long before there existed any law applying to them, and maintained themselves out of grants made by the Maharaja, the Government, and mostly by the devotees. The institutions had not deteriorated. Such institutions were few in the State, and complaints of mismanagement were rare. It was not right that Government should assume controlling authority, and interfere when there were no complaints from the disciples. It was not right that the hands of mathadipathis should be tied down by any legislation, as the effect would be a want of regard on the part of the disciples, and a disinclination on the part of desirable candidates to occupy the 'Peetha.' In a matter like this even a favourable opinion by a majority of the members of the assembly was not enough, but that the voice of the whole country was necessary.

The major portion of the House was for the proposed measure which in their opinion was already belated. Most of the Muzrai institutions were well endowed, and there were in addition donations and payments by the devotees. The affairs of these institutions were almost in every case mismanaged. No accounts were kept or subjected to public scrutiny. In the absence of a law like the one prevailing here, there was reason to apprehend that most of the institutions would have ceased to exist. It was, at the express demand of the Representative Assembly about 25 years ago that the late Sir K. Seshadri Iyer

consulted the whole country, and our Muzrai Regulation was drafted by the late Mr. H V. Nanjundia. In spite of the existing law, there were alienations of Mutt properties and succession had almost become hereditary. Mutt properties were alienated in the names of the wife and children of the person who occupied the Peetha for the time being. It was but right that in these advanced times the Muzrai institutions should be controlled. Control does not mean interference. Two Mohamedan members in supporting the measure requested that Mohamedan institutions should also be included and brought under the scope of the Regulation and that all institutions should be treated alike.

Turning now to the discussion of the specific items mentioned in the statement, there was no objection to (1), except to the extent already mentioned in the general discussion that Muzrai institutions should not be liable to Government interference. It was urged that all institutions Hindu, Mahomedan or otherwise should be brought under the purview of the Regulation.

As regards (2) recognition of the Muzrai Commissioner, in the Regulation as a statutory authority several members objected that he should not be so recognised. Government should have direct control. Even in minor matters, only Government should have power to interfere, and if necessary put their orders into execution through the subordinate officiery. They also urged that the Muzrai Commissioner, if he was to be recognised must be a Hindu himself and no other, and that in places like Travancore and Cochin, this principle was recognised. The Second Member of Council explained that the existing Regulation did not provide for delegation of authority and that to carry out the orders of Government through officers, provisions were necessary. There was a Muzrai Department of Government and it necessarily meant a Head of the Muzrai Department, who should be recognised under the Regulation so that his action might be valid. There was of course an appeal to Government. Objection to a non-Hindu as Muzrai Commissioner or to his being recognised under the Regulation was more or less personal.

The objections to Government taking over management (No. 3 in the statement) were, as already stated in the general discussion, that in as much as the institu-

tions were started long ago, and derived their income mostly from donations of the disciples, Government should have no right to interefere. It was urged that the Privy Council had decided recently that the income of the institutions should be utilised according to the will of the Head of the institution. It was pointed out that the statement referred to taking over management temporarily in three specific instances, *viz.*, death, absence or insolvency of the manager. The members agreed that there was no objection in such cases.

The proposal to transfer the management to local authority (No. 4 in the Statement) was agreed to when it was pointed out that local authority did not necessarily mean Government officers or servants. Local Bodies might be so entrusted, and in the Local Self-Government Conference this was one of the resolutions, and suggestions for Muzrai Committees being appointed for the management of Muzrai Institutions had been made outside the Conference also.

Alienations of inams granted to Muzrai institutions were to be declared void, if not in conformity with the Inam Rules of 1877 (No. 5 in the statement). This proposition evoked strong opposition. It was urged that the alienees had paid for the land, and had been in possession for long and had spent money on their improvement in good faith, on the strength of their title. The existing Regulation prescribed a period of 12 years' adverse possession to give a valid title. Under the general law also a similar period would safeguard the interests of alienees. To try to increase the period to 50 years was unfair. If at all, this period might be operative in the case of alienations made hereafter. The proposed change should not have retrospective effect. Vested rights could not be taken away. In the case of private endowments at least this should not happen. The Second Member of Council explained that the Inam Rules of 1877 promulgated by the Chief Commissioner were not repealed and were still in force. The existing Muzrai Regulation did no doubt contain a provision prescribing 12 years' limitation, but that was perhaps by an accidental slip, and in ignorance of the Rules of 1877 with which it was inconsistent. What was proposed was to merely remove the inconsistency. Some other members went the length of saying that the alienees did not deserve any sympathy, when they bought

lands dedicated to these institutions, instead of endowing them further. All such lands were, in their opinion to be resumed. Others suggested that in case of resumption suitable compensation should be given to the alienees.

As regards the power proposed to be taken to enquire into mismanagement on the initiative of Government and without a complaint from the prescribed number of disciples (No. 6 in the Statement), several members took exception. They said that Government had no bnsiness to interfere unless the disciples complained. The existing law prescribed conditions which authorised Government interference, and no change was called for. Others were in favour of the proposal. They were of opinion that it was offen very difficult to get the prescribed number to complain. People were not coming forward to complain in view of the odium, they feared, would attach to such a complaint. The Second Member explained that such a provision was necessary, as in spite of mismanagement, complaints were rare because of the number prescribed. He assured the members that Government would only take up en enquiry, after being satisfied that such a step was necessary. He said that the idea was to appoint a Committee to enquire in case of a complaint of mismanagement, and further action would depend on the Commitee's report.

The majority of the members were opposed to any approval of Government being obtained for a nomination to the office of a mathadhipathi (No. 7 of the Statement). They stated that the election of a mathadhipathi was purely a matter to be decided by the disciples, with which Government or even His Highness might have no concern. A provision for approval was out of place and would be resented, apart from the freedom of choice and the inclination of suitable candidates which the question involved.

The Second Member of Council pointed out that Government were certainly not intending to interfere in the choice. They would gladly accept the nominee of the disciples, if there was unanimous agreement. Unfortunately there were usually factions, and rival candidates were set up. The interest of Government in the matter was more to see if the candidate was fit from another point of view. Certain honours and insignias were attached to certain institutions and Government should see if these honours were to be continued and whether the candidate was a proper person to enjoy them.

He further pointed out that though there was no specific provision for approval of Government, the practice had been so, and the matter was governed by executive orders issued from time to time. The members preferred that the matter might be left, as it stood, to executive orders, rather than be embodied in the Regulation. One member suggested that the question might be kept in abeyance till the decision of a case where the point at issue was whether the Maharaja of Baroda was competent to appoint the Swami to the Dwaraka Peetha. The Second Member of Council said that the case was not in point, and added that if the sense of the House was that there should be no legislation on the point but that the present practice might continue, he was prepared to accept it. The House expressed such a desire, and the member promised that the proposed clause would be removed.

About the power proposed to be taken to frame rules to carry out the purposes of the Regulation (No. 8 in the Statement) there was general agreement.

The measure, excepting the portion relating to the approval of Government as regards nominations to the office of *Mathadhipathi*, was then put to the vote, and carried by a large majority.

[The Assembly adjourned and re-assembled after lunch at 3-30 P.M.]

Amendment of the law relating to the Newspapers

The First Member of Council addressed the Assembly on the scope of, and the necessity for, the proposed measure. He referred briefly to the circumstances under which the existing Regulation of 1908 was passed and the criticisms that had from time to time, been levelled against the measure which were as follows:—

(1) Necessity for permission to start a paper should be removed.
(2) Offences for which action may be taken under the Regulation should be clearly enumerated.
(3) There should be a judicial trial before the law is set in motion.

This question had been discussed in the Representative Assembly on several occasions and even after the repeal of the Press Law in British India, the Assembly was of opinion that an enactment to control the Press

was necessary though in a modified form. A new Bill was accordingly prepared keeping in view the several objections and suggestions made from time to time, and placed before the Assembly, several members of which were however against the Bill. A committee of non-officials and officials was then appointed by the Dewan to go into the question and propose a suitable and modified form of legislation and the statement placed before the Assembly gives the general principles of the measure proposed by the Committee.

It is common knowledge the newspapers often go too far, transgress their limits, attack private character and inflame party and communal jealousies. Even black-mail is not outside the sphere of their activities Such a state of affairs is not only a discredit to the papers but also to the country.

A large number of the members of the Assembly took part in the discussion which lasted several hours. Some were for a complete liberty of the Press and repeal of the existing law, some for the proposed modified form of legislation, while a third section was for certain alterations in the proposed measure. Those in favour of a repeal, argued that Mysoreans were loyal and the existing regulation was not required. When the Press Law was repealed in British India itself, there was no need for its continuance in Mysore. That no action practically was taken in Mysore under the Regulation, showed clearly that it was not wanted in Mysore. Newspapers had an educative value and Government should encourage them and give facilities. There was a paucity of newspapers in the State and in spite of attempts, several concerns had closed as they were not paying. It was only after there were a sufficient number of newspapers that any legislation concerning them should be attempted. The Committee had sent in two bills one amending the Press and Registration of Books Act on the lines adopted in British India and the other proposed to replace the existing Newspaper Regulation. Surprise was expressed that some members of the Assembly who were opposed to any form of press law when the question was discussed in the Assembly, subscribed their names and approval to the bills as members of the Committee.

Mr. B. Narasinga Rao of Seringapatam, who was on the Committee as a non-official member, wanted to explain the position of the non-officials on the Committee. He said that the terms of reference limited the scope of the

Committee to propose a modified form of Legislation. The Committee could not go beyond that and examine whether any legislation was necessary or propose a repeal of the existing law. It took 14 meetings and 12 drafts before a compromise was effected. The non-official members agreed to the bills because this meant a repeal of the existing drastic regulation, a vast improvement on the present law, and lenient treatment of the offenders when compared with the punishment they would be liable to under the ordinary criminal law of the country. The editors and others being their own people they had consented to what they considered was an advantage.

Members in favour of repeal further urged that the offences to be dealt with under the proposed legislation were already offences under the Indian Penal Code and as such, no fresh legislation was necessary. Section 500, Indian Penal Code was an individual wrong for which the party had a remedy. It should not be treated as a public wrong as was proposed to be done. The man might be punished but why should the paper be stopped? It would mean a double punishment for the same offence. Times were, when the fear of God, the King, or the hereafter, kept people straight. Such considerations did not now exist in the majority of cases. There were very bad people among officers, officials and non-officials. In villages in particular, there were people who lord it by sheer force. To go to court and prove a wrong would, apart from the delay and the expense which it entitled, very often be impossible, as in many cases the agressor would be strong or influential enough to suppress the evidence or corrupt the witnesses. It was in such cases that newspapers proved of great use. Actions, whether good or bad, of people should be published as an encouragement and incentive to improvement or as a deterrent to repetition. Newspapers were compared to mirrors that reflect people in their proper light. The fear of exposure acted as a salutary check. In a model State like Mysore it would appear incongruous to give Reforms with one hand and propose a gagging measure with the other. Papers in British India, Gujerat and Sind, had gone great lengths; their editors were convicted more than once, but the papers were not suppressed. There was no reason why a paper should stop. It was the executive who form an opinion and stop a paper taking upon themselves the roll of both the prosecutor and the Judge. For these reasons the

repeal of the existing Regulation was pressed without any substitute.

Those in favour of the proposed legislation stated that the papers, few though they were, had gone absurd lengths in their writings, which more often than not, tended to create racial and communal hatred. Villification of people and Government, misrepresentation of actions and motives, was common and was perhaps considered the chief attraction of a paper. They had not desisted from attacking even His Highness the Maharaja. People were not educated enough to discriminate between a true and a false version. Once the villagers picked up an idea from a paper, contradictions in subsequent issues were of no avail. There was no reason for an honest and fair editor to oppose any legislation which intended a remedy when license took the place of fair criticism. The proposed measure was intended more as a preventive. Awkward situations would arise if there were no legislation and papers passed their legitimate bounds. The bills were moderate and provided for appeal to a special Bench of the Chief Court. There ought to be no objection to a measure like this.

The First Member of Council pointed out that a private wrong when it affected the public, became a public wrong and had to be treated accordingly. Most of the offences in the Indian Penal Code were private wrongs but were treated like public wrongs on this principle. Though the existing criminal law provided for these offences, the remedy was costly and entailed long delay. The proposed measure was intended as a preventive just to keep the editors and others under some check. That no action was taken under the existing law did not mean that no cases calling for treatment arose. On the other hand, if Government had chosen to act, there would probably have been convictions each month. The Government would probably have been very considerate. Newspapers were likened to looking glasses. If they reflected true, they welcome but when they distorted figures, they deserved to be broken. Proposed legislation was mild and appropriate and if passed would give occasion for the repeal of the drastic measure now in force.

The measure was then put to the vote and carried by a majority—102 members voting for and 79 against it.

[The Assembly adjourned and re-assembled on the 11th June at 12 noon.]